LIBRARY
SUPREME COURT, U.S.

Office - Supreme Court, U. S.
FILED
APR 1 1955
HAROLD B. WILLEY, Clerk

Nos. 357 and 358

In the Supreme Court of the United States

OCTOBER TERM, 1954

CIRACO MANEJA, ET AL., PETITIONER,

v.

WAIALUA AGRICULTURAL COMPANY, LIMITED

WAIALUA AGRICULTURAL COMPANY, LIMITED,
PETITIONER,

v.

CIRACO MANEJA, ET AL.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF ON BEHALF OF THE SECRETARY OF LABOR AS AMICUS CURIAE IN RESPONSE TO BRIEF FILED BY THE AMERICAN FARM BUREAU FEDERATION

SIMON E. SOBELOFF,
Solicitor General,
Department of Justice,
Washington 25, D. C.

STUART ROTHMAN,
Solicitor,

BESSIE MARGOLIN,
Assistant Solicitor,
Department of Labor,
Washington 25, D. C.

In the Supreme Court of the United States

OCTOBER TERM, 1954

Nos. 357 and 358

CIRACO MANEJA, ET AL., PETITIONER,

v.

WAIALUA AGRICULTURAL COMPANY, LIMITED

WAIALUA AGRICULTURAL COMPANY, LIMITED, PETITIONER,

v.

CIRACO MANEJA, ET AL.

MOTION ON BEHALF OF SECRETARY OF LABOR TO FILE BRIEF AS AMICUS CURIAE IN RESPONSE TO BRIEF FILED BY THE AMERICAN FARM BUREAU FEDERATION

The Solicitor General, on behalf of the Secretary of Labor respectfully moves for leave to file the attached supplemental brief as *amicus curiae* in response to the brief filed by the American Farm

Bureau Federation as amicus curiae, for the following reasons:

1. Neither the Solicitor General nor the Secretary of Labor received a copy of the brief of the American Farm Bureau Federation prior to the oral argument on March 30, 1955, and therefore were not informed of its content at the time of the oral argument. The motion of the Farm Bureau Federation for leave to file the brief was granted on March 28, 1955, and Government counsel was unaware that the brief had actually been filed until reference was made to it at the oral argument. A copy was secured from the Clerk by Government counsel the day following the oral argument.

2. The brief of the American Farm Bureau Federation places considerable emphasis on certain paragraphs of Interpretative Bulletin No. 14, issued in August 1939. It asserts (pp. 15-21) that the Department of Labor "has consistently held all activities in question to be exempt under Section 13(a)(6)", and that farmers have relied upon these views for the 17 years since the Act has gone into effect. The main interpretation in issue in the instant cases, however, was modified as early as 1941, and such modification was widely publicized at the time, and was brought to the attention of interested parties on various and frequent occasions since that date. The brief of the American Farm Bureau Federation makes no reference to the modification or the publicizing of the modi-

fied interpretation. In order to appraise accurately the asserted reliance of farmers upon the interpretation of the Labor Department, the Court should be advised of the facts.

Respectfully submitted,

SIMON E. SOBELOFF,
Solicitor General,
STUART R. RAHMAN,
Solicitor,
BESSIE MARGOLIN,
Assistant Solicitor,
Department of Labor.

APRIL 1, 1955.

☆ U. S. GOVERNMENT PRINTING OFFICE 1955 230715 1249